

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1731 - HB 1546

March 18, 2014

SUMMARY OF ORIGINAL BILL: Requires the Tennessee Peace Officer Standards and Training Commission (POST) to consult and cooperate with municipalities, this state and any political subdivision of this state, for the purpose of studying and compiling a report on the best method for interfacing multiple computer databases to provide police officers on patrol accessibility to information, thereby allowing officers, when making a lawful stop, to serve outstanding court papers such as warrants, unserved civil process, orders of protection and restraining orders. Requires POST to provide a report on or before January 1, 2015 of the results of the study to the Judiciary Committee of the Senate and the Civil Justice and Criminal Justice Committees of the House of Representatives.

Authorizes a state or local law enforcement agency, if such law enforcement agency has the technological ability and officer training to do so, on the effective date of this act and within existing resources, to serve outstanding court papers in the manner outlined when making a lawful stop. Such fees collected via service of process shall be used by any such agency to maintain, enhance, expand and upgrade the agency's computer network and interface with other databases.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$5,000/One-Time

Other Fiscal Impact – Due to unknown factors, the exact fiscal impact to law enforcement agencies cannot be determined. It is reasonably estimated that any affect will be the shifting of financial resources within the agency and the net impact will not be significant.

SUMMARY OF AMENDMENT (014329): Deletes all language after the enacting clause. Requires the Tennessee Bureau of Investigation (TBI), with assistance from the Tennessee Association of Chiefs of Police, Tennessee Sheriffs' Association, and the County Officials of Tennessee, to survey the appropriate law enforcement agencies and court clerks' offices for the purpose of requesting information as to the best method for interfacing multiple computer databases to allow police officers on patrol the ability to serve outstanding court papers during a lawful stop. Requires TBI, by January 1, 2015, to submit the results of such survey to the Judiciary Committee of the Senate, and the Civil and Criminal Justice Committees of the House of Representatives.

Upon completion of the survey, a law enforcement agency may implement the suggestions set out in the survey if the suggestions are deemed helpful by the law enforcement agency and the

SB 1731 - HB 1546

funds exist to implement the suggestions. Specifies that a state or local law enforcement agency, having the appropriate technological ability and office, is authorized to serve such papers in the aforementioned manner. All fees authorized for service of process shall be used by the collecting law enforcement agency to maintain, enhance, expand and upgrade the agency's computer network and interface with other databases.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – Due to unknown factors, the exact fiscal impact to law enforcement agencies cannot be determined. It is reasonably estimated that any effect will be the shifting of financial resources within the agency and the net impact will not be significant.

Assumptions for the bill as amended:

- According to TBI, it can consult and cooperate with these various associations to complete the survey, as requested, within existing resources.
- If the results of the survey provide good reason for law enforcement agencies to adapt to new technology allowing service of process during lawful stops, additional expenditures and revenue will be experienced by such law enforcement agencies.
- It is unknown to what extent local law enforcement agencies' technology will permit officers to serve outstanding court orders during lawful stops. This could result in a reduction of expenditures in another area to cover the cost of the additional work.
- Fees collected from serving the process would be used by the serving agency to maintain, enhance, expand or upgrade the agency's computer network and interface with other databases, which could result in the collected funds no longer being available for current expenditures.
- While the exact fiscal impact to law enforcement agencies cannot be determined it is reasonably estimated that any effect will be the shifting of financial resources within the agency and the net impact will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/jdb